

DETERMINATION

Case reference: ADA/ 002145

Objector: An eligible parent

Admission Authority: Warwickshire County Council

Date of decision: 15 July 2011

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Warwickshire County Council, but I recommend that the Council amends its composite prospectus in line with paragraph 17 of this determination prior to publication of the prospectus in order to avoid breach of the requirements.

The referral

1. An objection has been referred to the Adjudicator by an eligible parent about the information provided to parents as part of the admission arrangements for Grammar Schools in Warwickshire for admissions in September 2012.

Jurisdiction

2. These arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by Warwickshire County Council (the Council). The parent originally submitted his objections to these arrangements on 7 April 2011, before they had been formally determined, but subsequently confirmed his objection in an e-mail dated 21 June 2011. I am satisfied this objection has been properly referred to me in accordance with section 88H of the Act and that it falls within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.

4. The documents I have considered in reaching my decision include:

- the parental objection, in the form of a completed form used by admission forums, local authorities and schools returned on 7 April 2011;
- the relevant section of the parental objection form setting out the

required details of the objector's child which qualifies him as an eligible parent, returned on 29 June 2011;

- the LA's response to the objection and to my request for certain information dated 18 May 2011;
- the objector's comments on these responses and further comments from the LA and the objector;
- the LA's response to my request for further clarification on a number of points, dated 21 June 2011;
- information which I was able to obtain from the Council's website on 16 May 2011 and on 20 June 2011;
- maps of the area identifying relevant schools.

5. In addition to investigating the matters raised by the objector(s) I have also reviewed the admissions arrangements as a whole and considered whether I should use my power under section 88J(2)(b) of the Act. I am not using my powers under the Act to make further changes to the arrangements.

The Objection

6. The objector has stated that the Council is in breach of those requirements of Chapter 1 of the Code which deal with the fullness and accuracy of information which is made available to parents, such as paragraphs 1.3 and 1.5, because it is failing to provide residents of the County's "Central" area with the information that they reside within the priority areas of some of the County's Grammar Schools. The County's "central area" is essentially the area of the County to the north of the M40 containing the conurbations of Kenilworth, Warwick and Royal Leamington Spa.

7. He also alleges that the County is failing to meet the requirement set out in Appendix 4, paragraph 7 of the Code that it publishes a composite prospectus for parents.

Background and Consideration of Factors

8. Warwickshire has six selective secondary schools and the County Council is currently itself the admission authority for two of these, the remainder having either Voluntary Aided, Foundation or Academy status. All six schools participate in the Council's arrangements for admissions, which include common tests arranged by the Council, the designation of two separate priority areas for the two groups of selective schools – one group being in Rugby and the other in Stratford/Alcester – and the use of a "Committee of Reference" for each of the two areas to determine grammar school eligibility, as part of the admissions process.

9. It is also a relevant aspect of the background that the County operates five geographically defined administrative areas (one of which is the "central" area), and that these have a bearing on the information which is made available to parents about school admissions. The six Grammar schools are

located within two of these areas (three in “east” and three in “south” Warwickshire). The Council has sent me maps both of the County and its administrative areas and of the priority areas operated for the two sets of Grammar schools. The priority area map for the southern Grammar schools (Stratford/Alcester) clearly shows it encompassing all of the central area, and that for the eastern (Rugby) Grammar schools takes in a relatively small part of it.

10. This does not marry easily with the Council’s statement that “almost all” of the central area is in the priority area for the southern grammar schools and that “much (but not all)” of the central area is also within the priority area for the eastern Grammar schools. Since there are clear written descriptions of the priority areas available, I must assume there is no uncertainty as to which locations fall within them. Indeed, the Council is clear in offering precise advice to enquirers on this point. In spite of the situation which appears to be shown in the maps it has provided, the Council also states that a very small part of this area does not fall within either of the two priority areas. It would be unfortunate, and a breach of the Code, however if a map on a website intended to give important information to parents is inaccurate, as seems to be the case. However, the relevant fact is that the only area which falls inside the priority areas for admission to the Grammar schools but which does not have one located there is the central area.

11. The School Admissions Code places heavy emphasis on the need for the information which is provided to parents to be of sufficient quality to be positively enabling of them making informed expressions of their preference of schooling. Local authorities must ensure that parents have access to all relevant information (paragraph 1.71), and must ensure that the allocation of school places happens in a way that is easily understood (paragraph 1.71a). “Above all”, the Code says “parents need to be able to understand whether they have a realistic chance of being offered a place for their child at any particular school” (paragraph 1.71). To secure this position, it is a requirement of the Code (paragraph 1.71 d) and paragraph 5 and schedule 2 of The School Information (England) Regulations 2008 that local authorities publish a composite prospectus containing specified minimum information. It is these provisions which the objector maintains are being breached, for the reasons stated above.

12. Following receipt of the referral from the objector, I visited the Council’s website on 16 May 2011 and could find nothing in respect of admissions for 2011/2012 which I could recognise that conformed to the requirements outlined above for composite prospectuses. It was also necessary to visit areas devoted to the 11+ arrangements to find the description of the Grammar school priority areas. In other words, an enquirer would only discover that they lived in a priority area for one of the Grammar schools after they took an interest in Grammar schools. Schools listed as central area schools are those located there, and there would seem to be no reason why someone new to the area would assume they lived in priority area for one of the Grammar schools listed as being in another area. This is the point made by the objector in supporting his objection.

13. I wrote to the Council on 19 May asking how it felt it met the statutory

requirements as to composite prospectuses. The response which I received was in the form of the draft composite prospectus for 2012/13. I therefore wrote again asking if this was the first year in which such a prospectus had been produced, and asking for a copy of the 2011/12 prospectus, if there had been one. The Council replied that a single booklet had been produced for 2010/11 for secondary admissions, and area booklets for admissions to primary schools. In the previous year there had been area booklets for both phases. As for 2011/12, I was told that a series of "short leaflets" had been produced which were sent to parents with children known to be transferring, and that the information that needs to be in a composite prospectus was available on the Council website and in other formats on request.

14. On this particular point, the Regulations cited above state that in satisfying the requirement as to composite prospectuses information relating to the details of individual schools may be published in more than one prospectus. Nonetheless, the clear intention behind the Regulations and Code in my view is that the composite prospectus should enable parents by providing them with all the relevant information in one place. It is not sufficient to provide the information somewhere on a website which parents have to interrogate. In other words, bearing in mind the requirements as to completeness and clarity of information, I do not see how any authority in which there are selective schools which give priority in their admissions on a geographical basis which does not ensure that any parent living in a priority area is aware of the fact can be said properly to have described its coordination arrangements to them.

15. In this case, my view is therefore that the minimum requirements as to composite prospectuses would only be met if one or more prospectus existed (for example area based ones) each of which ensured that the reader would know how the admission arrangements of all the relevant schools for their child and how the coordination of admissions to them was likely to affect their chances of admission. It is clear to me that under the arrangements for 2011/12, parents living in the central area of Warwickshire could very easily have been unaware of their status concerning Grammar schools in whose priority areas they were living. I am of the view that the Council failed to meet the relevant requirements concerning composite prospectuses and the provision of information to parents so far as the arrangements for 2011/12 were concerned.

16. I have given some thought to the reasons for the apparent reluctance of the Council to provide more helpful information to residents of the central area. The objector has suggested that limiting the applications from within the central area would ensure that the other schools there did not lose the most able students, and quotes figures from 2008 which show nearly twice as many admissions to the three southern area schools from outside the County than from the central area. I do not find this statistic particularly convincing, since it does nothing to throw light on the question of whether residents of the central area are, or are not, aware of their position as potential applicants for Grammar school places. I did seek to investigate this question more directly however, and asked the Council to provide me with data relating to admissions to the six Grammar schools for 2010 and 2011. These showed that the proportion of the relevant cohort of children who applied for a place at

one of the Grammar schools from central area was no lower than the proportion of the Warwickshire cohort as a whole who did the same thing. Indeed, it was slightly higher, as might be expected given that significant parts of the County do not fall within the priority areas of any of the Grammar schools. I am satisfied that clear supporting evidence for a lack of awareness that would have been provided by low participation is not present. Whether that participation is as high as might be expected, however, would require further investigation, and I cannot rule out the possibility that that would be the case. That is, I have not either been presented with evidence that shows that participation from the central area is on a comparable level to that from other parts of the Grammar schools' priority areas, and that the concerns I have expressed above about the information provided to parents in that area do not translate into any practical effect.

17. A composite prospectus for admissions to secondary schools in 2012/13 is currently in draft, the requirement of the Regulations being that this must be published by 12 September 2011. This helpfully contains a section which lists all the Grammar schools, and their locations, without reference to administrative areas. It contains only a link to the location of maps of the priority areas, not to the maps themselves, whereas the revised website now does this. It also lists schools by area, including the grammar schools, but does not state in the central area section that for the vast majority of the area, home addresses would be in the priority areas for one, or more than one, of the County's Grammar schools, and for the reasons stated above, I think it should. Further, given that the Council is now producing a single prospectus for secondary schools, it seems surprising that schools are still listed there under the five areas since this serves no apparent purpose, and is indeed problematic, as we have seen, given that priority for access to the County's Grammar schools is not capable of being described in these terms. Although secondary schools have priority areas, my examination of their oversubscription criteria shows that only the relatively small number of Catholic schools makes any explicit reference to one or more of the five areas. It may benefit the County to reconsider in the longer term the value of continuing to structure the information which it provides to parents as it currently does. As a first step I believe it must ensure that parents living within priority areas for Grammar schools are made fully aware of the fact, and if schools are listed by area, then for the central area there should be a description of the sort outlined above.

Conclusion

18. The Council is clearly in the process of providing a composite prospectus as required, and I therefore do not uphold this part of the objection.

19. However, for the reasons stated above, I am of the view that the draft composite prospectus for admissions to secondary schools in 2012/13 is deficient in the way it describes the availability of schools in the central area of Warwickshire. As the prospectus is not yet published, this does not yet constitute a formal breach, and so I do not uphold this second part of the objection. However, I recommend that the Council amends its composite prospectus in line with paragraph 17 above prior to publication of the

prospectus in order to avoid breach of the requirements.

Determination

20. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Warwickshire County Council, but I recommend that the Council amends its composite prospectus in line with paragraph 17 of this determination prior to publication of the prospectus in order to avoid breach of the requirements.

Dated: 15 July 2011

Signed:

Schools Adjudicator: Dr Bryan Slater